

Notice of Allowability

Application No.

10/621,584

Examiner

Adrienne C. Johnstone

Applicant(s)

BALDWIN, DONALD WILLIAM

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview on 16 September 2005.
2. ☒ The allowed claim(s) is/are 10 (new sole claim).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 071703, 111703
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Interview Summary (PTO-413), Paper No./Mail Date 091605
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other _____

Adrienne C. Johnstone
Primary Examiner
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Election/Restriction

1. This application contains claims directed to the following patentably distinct species of the claimed invention: a pneumatic radial tire whose bead core has a central core made from either steel or a metal alloy material having a weight less than steel or a composite or synthertic material having a weight less than steel (specification paragraph 0050).

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Nancy Krawczyk on September 9, 2005 a provisional election was made with traverse to prosecute the invention of the species wherein the bead core

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central core is made from composite or synthetic material having a weight less than steel, claim 10.

Claims 1, 2, and 4-9 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nancy Krawczyk on September 16, 2005.

The application has been amended as follows:

In the specification

p. 1, in the insert before the first line of the specification, to update the continuing data "presently pending" has been changed to -- now US Patent No. 6,622,766, issued September 23, 2003 -- .

In the claims

non-elected claims 1, 2, and 4-9 have been cancelled;

claim 10 has been rewritten to distinguish over the prior art of record as --

10. (currently amended) A pneumatic radial tire having a bead portion provided therein with a cable bead core formed by a plurality of layers of sheath cords helically or spirally wrapping [wires enveloping] a central core, wherein [characterized in that]:

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[the sheath has a plurality of steel cords,] each cord is a steel cord having at least three filaments, and the central core is made from a composite or synthetic material having a weight less than steel.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance: Boileau (3,977,174) discloses an example of the prior art cable for tire reinforcement having the claimed cable construction but does not disclose or suggest providing the cable in the form of a bead core in a pneumatic radial tire. Bertrand (3,861,442) and French Patent Application 2 232 455 disclose examples of the prior art pneumatic radial tire similar to the claimed tire but wherein the plurality of bead core sheath layers are formed of single steel filaments rather than steel cords each having at least three filaments as is now claimed. German Patent Application 23 64 274 A discloses an example of the prior art pneumatic radial tire similar to the claimed tire but wherein there is only a single bead core sheath layer of steel cords each having at least three filaments rather than a plurality of such sheath layers as is now claimed. The prior art of record fails to disclose or suggest applicant's tire, including the particular cable bead core formed by a plurality of layers of sheath cords helically or spirally wrapping a central core, wherein each cord is a steel cord having at least three filaments, and the central core is made from a composite or synthetic material having a weight less than steel, in the claimed environment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571) 272-1218. The examiner can normally be reached on Monday-Friday, 10:30AM-7:00PM.

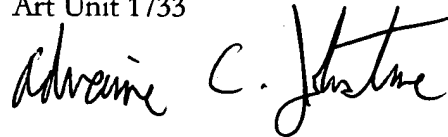
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adrienne Johnstone

September 16, 2005

Adrienne C. Johnstone
Primary Examiner
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A handwritten signature in black ink that reads "Adrienne C. Johnstone". The signature is written in a cursive, flowing style.